

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

MICHAEL L. JONES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 07-791-GMS
	)	Jury Trial Demanded
RAYNARD JONES and AUDREY EVANS,	)	
	)	
Defendants.	)	

**DEFENDANTS' ANSWER TO COMPLAINT**

Defendants Raynard Jones and Audrey Evans, by and through their undersigned counsel, hereby answer Plaintiff's Complaint (D.I.2) filed on December 6, 2007.

**PREVIOUS LAWSUITS**

Denied that Plaintiff has only filed one (1) lawsuit in Federal Court while a prisoner.

**EXHAUSTION OF ADMINISTRATIVE REMEDIES**

Denied that Plaintiff has fully exhausted all available administrative remedies regarding his present claims.

**STATEMENT OF CLAIM**

1. Denied that Defendants committed any torts against Plaintiff. Denied that Plaintiff wrote a grievance on May 29, 2007. Defendants are without sufficient information to form a belief about the remainder of this paragraph.
2. Denied that Exhibit A-2 is a copy of a letter from the office of the Governor. Defendants are without sufficient information to form a belief about the remainder of this paragraph.
3. Denied that Exhibit A-3 is a copy of a letter from Rick Kearney. Defendants are without sufficient information to form a belief about the remainder of this paragraph.

4. Denied that Exhibit A-4 is a copy of a letter from David Holman. Defendants are without sufficient information to form a belief about the remainder of this paragraph.
5. Denied.
6. Denied.
7. Admitted that Defendants were working at the Delaware Correctional Center on July 16, 2007. Admitted that Defendants conducted a phone punch and area check in the D-wing of Building 17. The remainder of the paragraph is denied.
8. Admitted that a shakedown was conducted in Cell Lower 8. Admitted that contraband was found in the cell and was confiscated. The remainder of the paragraph is denied.
9. Admitted that Plaintiff had engaged in passing contraband to another inmate. Admitted that Plaintiff was told to lock in his cell. The remainder of the paragraph is denied.
10. Denied.
11. Admitted that Plaintiff was given a disciplinary report for passing contraband to another inmate. The remainder of the paragraph is denied as averred.
12. Defendants are without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations in this paragraph, and therefore deny the same.
13. Defendants are without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations in this paragraph, and therefore deny the same.
14. Defendants are without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations in this paragraph, and therefore deny the same.
15. Admitted that Plaintiff had a disciplinary hearing on July 30, 2007. Admitted that Plaintiff was guilty of the disciplinary charges against him and sanctioned. The remainder of the paragraph is denied as averred.

16. Defendants are without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations in this paragraph, and therefore deny the same.

17. Denied as averred.

18. Denied.

### **RELIEF**

1. It is specifically denied that Plaintiff is entitled to any compensatory, punitive or monetary damages.

2. It is specifically denied that Plaintiff is entitled to any injunctive, declaratory or other relief.

### **DEFENSES**

1. Plaintiff has failed to state a claim upon which relief can be granted.

2. Plaintiff has failed to exhaust his administrative remedies.

3. This action and all claims are barred by the applicable statute of limitations.

4. Defendants are immune from liability under the Eleventh Amendment.

5. Defendants are entitled to qualified immunity.

6. As to any claims under state law, Defendants are entitled to immunity under the State Tort Claims Act, 10 *Del. C.* §4001, *et. seq.*

7. As to any claims under state law, Defendants are entitled to sovereign immunity.

8. Negligence is not a cause of action under 42 U.S.C. §1983.

9. Defendants in their official capacities are not liable for alleged violations of plaintiff's constitutional rights as they are not "persons" pursuant to 42 U.S.C. §1983.

10. Service of process was improper or insufficient.

11. The Court lacks personal jurisdiction over the Defendants and the complaint should be

dismissed.

WHEREFORE, Defendants respectfully request that judgment be entered in their favor and against Plaintiff as to all claims, and that attorney fees be awarded to them.

STATE OF DELAWARE  
DEPARTMENT OF JUSTICE

/s/ Catherine Damavandi  
Catherine Damavandi (ID # 3823)  
Deputy Attorney General  
Delaware Department of Justice  
Carvel State Office Building  
820 N. French Street, 6<sup>th</sup> Floor  
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Attorney for Defendants

Date: August 5, 2008

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	)	
Defendants.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on August 5, 2008, I electronically filed *Defendants' Answer to Complaint* with the Clerk of Court using CM/ECF. I further certify that on August 5, 2008, I caused the attached *Defendant's Answer* to be delivered to the following person by first class mail, postage prepaid:

Michael L. Jones, SBI#417267  
JTVCC  
1181 Paddock Rd.  
Smyrna, DE 19977

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Catherine Damavandi  
Catherine Damavandi (ID # 3823)  
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